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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,341	09/28/2001	Michael Habele	741118-53	4085

22204 7590 07/25/2003

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EXAMINER

COMAS, YAHVEH

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,341

Applicant(s)

HABELE ET AL.

Examiner

Yahveh Comas

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 703.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22-31 recites the limitation " pole face facing toward the stator " in claim 22, line 2. There is insufficient antecedent basis for this limitation in the claim. The specification discloses that the pole is part of the stator and is facing toward the rotor.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bignon FR Patent No. 1,098,914.

Bignon disclose a device for braking an electric motor comprising a electromagnetic brake which has a stator (II) with at least one pole pair (14), at least one pole (14) of which has a pole shoes (15) which faces toward the rotor and support the stator winding and wherein the stator support the electromagnetic brake means between the ends of the at least one pole of the stator, and the electromagnetic brake means comprises a brake element composed of an electromagnetic material which is urged against a braking force by an attraction force generated by the magnetic flux induced during the operation of the motor, wherein said brake element is

constructed in the shape of the rocker element and is supported by the stator to pivot about an axis such that the brake element applies a braking force to the rotor at a position offset from said axis (for example figure 9). Also disclose an electromagnetic brake means including pins disposed in a corresponding recess in the wall segment to support the brake element.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19-21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bignon FR Patent No. 1,098,914 in view of Huff. U.S. patent No. 2,959,695.

Bignon as disclose above, disclose the claimed invention except for a continuous free space in the shape of the window wherein said free space is axially bounded by wall segment such that the braking element is pivotally supported in said free space. However Huff disclose a continuous free space in the shape of the window wherein said free space is axially bounded by wall segment such that the braking element is pivotally supported in said free space for the purpose of provide lever means to prevent any foreign matter from entering the starter (for example Fig. 2). Also Huff discloses a switch (24) attached to and operated by the shaft (23). This switch is operated by way of electrical connections.

Referring to claim 20-21, Bignon disclose an electromagnetic brake means including pins disposed in a corresponding recess in the wall segment to support the brake element and the pivot element in parallel to the axis of rotation of the rotor (see all figures).

It would have been obvious to one having skill in the art at the time the invention was made to provide continuous free space in the shape of the window wherein said free space is axially bounded by wall segment such that the braking element is pivotally supported in said free space for the purpose of provide a brake for an electric motor which utilizes the main flux path but does not appreciably alter the main flux path.

5. Claim 23, 25-27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bignon FR Patent No. 1,098,914 in view of Anderson et al. U.S. Patent No. 5,444,317.

Bignon disclose the use of a pivoting element (fig. 9) but doesn't disclose that this pivoting element is part of the stator. However, Anderson disclose a brake unit for a motor having a pivoting element being part of the stator for the purpose of provide a improved shaded-pole motor brake where the manufactured and assembled is more economical. The brake element is formed as a multi-arm lever with one brake arm (40) and one disengagement arm (60), wherein the brake arm is exposed to the braking force and the disengagement arm exerts a disengagement force on the brake element which is opposite to the braking force when current is flowing through the stator winding.

It would have been obvious to one having skill in the art at the time the invention was made to make the pivoting element part of the stator structure for the purpose of improve the manufacturing and assembling of the motor brake.

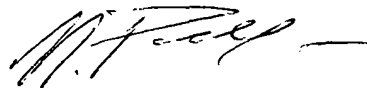
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (703) 305-3419. The examiner can normally be reached on M - F 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

YC
July 23, 2003



**Nicholas Ponomarenko
Primary Examiner
Technology Center 2800**